

EXHIBIT G

Affidavit of Yolanda von Braunhut

I, YOLANDA VON BRAUNHUT, declare as follows:

1. My name is **Yolanda von Braunhut**.
2. I reside at 6200 Chapmans Landing Road, Indian Head, MD 20640-3040.
3. I maintain a post office box address at PO Box 809, Byrans Road, MD 20616-0809.
4. I am the individual named as a Plaintiff in the action entitled *Transcience Corporation & Yolanda von Braunhut (individual) v. Big Time Toys, LLC* (Index Number: 13-cv-6642) that is now currently being prosecuted in the Southern District of New York (**SDNY**).
5. I am the owner of all the intellectual property, common law rights, and concomitant goodwill that relates or is otherwise in any way associated with the product known to the world as SEA-MONKEYS®.
6. The SEA-MONKEYS® product was a product that was created by my late husband Harold von Braunhut.
7. I first met Harold on the set of a TV production studio in New York City in or about the year 1968.
8. We began a lifelong friendship shortly afterwards.
9. I was listed as the "Secretary-Treasurer" on the documents of incorporation of the *Transcience Corporation* in the State of New York when that company was formed in the year 1970.
10. I married Harold on February 14th of the year 1980 in New York City.
11. Harold and I purchased and moved into the residence located at 6200 Chapmans Landing Road in the year 1984 where I still live today.
12. Harold died on November 28, 2003 at that same residence.
13. Harold was a charismatic, eccentric, and highly unorthodox individual.
14. Harold was a noted American inventor and marketer who developed over the course of his lifetime various products many of which have become cultural icons including, as noted previously, a product named SEA-MONKEYS®.

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- 1 15. The SEA-MONKEYS® product and its associated intellectual property was
- 2 and is Harold's most successful and enduring enterprise and legacy.
- 3 16. Over the course of my relationship with Harold I became ever more
- 4 intrinsically involved and intertwined with the SEA-MONKEYS® product
- 5 and the SEA-MONKEYS® business.
- 6 17. On or about October 4th of the year 2000 my beloved father Michael
- 7 "Maestro" Signorelli died.
- 8 18. On or about the date of October 14, 2000 Harold and I, in the light of my
- 9 father's death, had a long discussion about life and death, about the
- 10 meaning of life, and about what we meant to each other.
- 11 19. Harold told me, words to the effect, that all things being what they are that
- 12 he was profoundly happy that he was lucky enough to have found his
- 13 soulmate.
- 14 20. Harold told me at that time, words to the effect, that while we were as
- 15 soulmates bound together heart, body, mind, and soul that he wanted it to
- 16 be clear to me that I was his business partner as well.
- 17 21. While I had been involved with the SEA-MONKEYS® business and
- 18 Harold's other endeavors from the days soon after I first met Harold,
- 19 Harold made it clear to me at that moment that he envisioned he and I
- 20 together as a business partnership from that point forward.
- 21 22. He made it clear that all of the intellectual property and corporate interests
- 22 owned by him as an individual were now owned by our partnership.
- 23 23. We agreed that we would work together as equals and perform any and all
- 24 of the necessary tasks and responsibilities of the partnership.
- 25 24. I reciprocated by telling him, words to the effect, that my heart, body,
- 26 mind, and soul was also bound to him and that all intellectual properties
- 27 owned by me were also to be owned by our partnership.
- 28 25. Harold and I furthermore agreed that the property owned by our

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partnership would be passed on solely to the survivor of us upon one of us passing.

26. The partnership was formed in the State of Maryland on or about the date of October 14th 2000, had no name, and was not set in writing.

27. By default the name of the partnership was simply "us" or "Harold & Yolanda" from my perspective or "Yolanda & Harold" from his.

28. The Sea-Monkeys® product incorporates vital and closely held trade secrets that Harold developed and perfected over the years.

29. The trade secrets are used to produce the content of SEA-MONKEYS® pouches that are incorporated into the SEA-MONKEYS® product that is sold to the public.

30. While I previously had access to the trade secrets over my many years with Harold, Harold insisted after the creation of our new partnership that I be made expressly aware of each of the many steps and subtle nuances and causes and effects necessary to successfully produce the SEA-MONKEYS® product.

31. After the formation of the partnership Harold fully versed and trained me in the trade secreted methods, processing, and procurement of all the ingredients of the pouches that are vital to the SEA-MONKEYS® product.

32. Harold owned as an individual several US trademarks effective all throughout the United States of America at the time that we formed our partnership that relate to the SEA-MONKEYS® product.

33. These US trademarks as registered with the United States Patent and Trademark Office (USPTO) are as follows: (**see attached Addendum A**)

- a. Word Mark: "**SEA-MONKEYS**"; USPTO Serial Number: 72161791;
USPTO Registration Number: 0769332;
- b. Word Mark: **SEA-MONKEYS**; USPTO Serial Number: 76136804;
USPTO Registration Number: 2485247;

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- 1 c. Word Mark: **INSTANT LIFE**; USPTO Serial Number: 72161789;
2 USPTO Registration Number: 0769330;
3 d. Word Mark: **INSTANT PETS**; USPTO Serial Number: 72456406;
4 USPTO Registration Number: 999873;
5 e. Word Mark: **OCEAN ZOO**; USPTO Serial Number: 76137530;
6 USPTO Registration Number: 2509518;
7 f. Drawing: **HATCHED EGG DESIGN**; USPTO Serial Number:
8 72161790; USPTO Registration Number: 769331.

9 34. At the time we formed our partnership Harold also owned several foreign
10 trademarks that were registered in several foreign nations that related to
11 the SEA-MONKEYS® product. (**see attached Addendum A**)

12 35. At the time Harold and I formed our partnership the ownership of all
13 domestic and foreign trademarks relating to the SEA-MONKEYS® product
14 were transferred to the partnership.

15 36. After Harold died the ownership to all domestic and foreign trademarks
16 relating to the SEA-MONKEYS® product were effectively transferred to
17 me pursuant to my partnership with Harold.

18 37. The *Transcience Corporation MD* was formed in the year 2003.

19 38. The *Transcience Corporation MD* in effect licensed the SEA-MONKEYS®
20 intellectual property, including but not limited to the trade secrets, from the
21 partnership to create the contents of the SEA-MONKEYS® pouches.

22 39. I became the sole owner of the *Transcience Corporation MD* by an
23 operation of law after Harold died.

24 40. After Harold died the *Transcience Corporation MD* licensed the SEA-
25 MONKEYS® intellectual property, including but not limited to the trade
26 secrets, from me to create the contents of the SEA-MONKEYS® pouches.

27 41. The *Transcience Corporation MD* was the sole and exclusive
28 manufacturer of the contents of the SEA-MONKEYS® pouches that were
incorporated into the SEA-MONKEYS® product.

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- 1 42. The *Transcience Corporation MD* produced and was paid to produce the
2 contents of the SEA-MONKEYS® pouches that were incorporated into the
3 SEA-MONKEYS® product.
- 4 43. All issues relating to the production, delivery, and/or accountings of the
5 contents of the SEA-MONKEYS® pouches were the sole responsibility of
6 the *Transcience Corporation MD*.
- 7 44. Pursuant to the license granted by me to *Transcience Corporation MD* I
8 retained the right to control the quality of the contents of the SEA-
9 MONKEYS® pouches that were made and distributed by *Transcience*
10 *Corporation MD*.
- 11 45. I am the owner of the common law rights and the goodwill associated with
12 all of the trademarks that relate to the SEA-MONKEYS® business.
- 13 46. No other party has made a claim of ownership to any of the trademarks
14 and the associated goodwill that relate to the SEA-MONKEYS® business.
- 15 47. The public continues to write to me up to the current date in time to make
16 good on any warranties that relate to the SEA-MONKEYS® business.
- 17 48. I continue to honor the warranties made on all sales to the public with
18 regard to warranties that relate to the SEA-MONKEYS® business.
- 19 49. I continue to pay the renewal fees for all of the registered trademarks that
20 relate to the SEA-MONKEYS® business when they are due for renewal.
- 21 50. Notwithstanding, any and all *nunc pro tunc* filings made with the **USPTO**
22 and other foreign registries I expressly reserve the right to re-register any
23 and all of the trademarks that relate to the SEA-MONKEYS® business
24 with the **USPTO** and other foreign registries should such a need arise.
- 25 51. There is no doubt in my mind that should I ever elect to sell, transfer, or
26 otherwise assign my right, title, and interest to any or all of trademarks that
27 relate to the SEA-MONKEYS® business that I will be able to convey clear
28 and unequivocal title to such.

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I declare under penalty of perjury under the laws of the State of New York and the United States of America that the foregoing to the best of my knowledge is true and correct.

Executed this 4th day of March 2016

at Sayville, New York

Yolanda von Braunhut

Yolanda von Braunhut

3/4/16

Date

Sworn to before me this

4th day of March 2016

William Timmons

Notary Public

WILLIAM TIMMONS, ESQ.
Notary Public, State of New York
No 02TI6201454
Qualified in Suffolk County
Commission Expires March 7, 2017

Signature Page

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